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FROM: Michael S. Pavento **5838** **Our Ref. #:** 11126.105001

NUMBER OF PAGES (Including Cover Page): 4

MESSAGE:

Re: U.S. Patent Application No. 10/790,644
Examiner: Chuc Tran
Election Under Restriction Requirement

Sir:

Attached hereto for filing is an Election Under Restriction Requirement in response to the Restriction Requirement dated December 16, 2004.

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JENNIFER WILLIAMS
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JAN 14 2005

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter O. Roach, Jr.

Serial No.: 10/790,644

Art Unit: 2821

Filed: March 1, 2004

Examiner: Tranh, Chuc

For: Methods and Apparatuses for Mounting a
Wireless Network Component to a Fluorescent Light

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Election Under Restriction Requirement

Sir:

In response to the Restriction Requirement dated December 17, 2004, please re-examine and reconsider the application in view of this election and the appended remarks.

Election

The Examiner has required restriction under 35 U.S.C. § 121 to one of the following groups of claims:

Group I: Claims 43-56 drawn to a power source configured for being mounted to a fluorescent light.

Group II: Claims 1-42 drawn to a wireless network component configured for being mounted to a fluorescent light.

Applicant provisionally elects Group II (claims 1-42). This election is made with traverse.

Remarks

For a restriction requirement to be proper, the Examiner must satisfy the following two criteria: (1) the existence of independent and distinct inventions (35 U.S.C. § 121); and (2) that

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Jennifer A. Williams

ATTORNEY DOCKET NO.: 11126.105001
SERIAL NO.: 10/790,644

the search and examination of the entire application cannot be made without serious burden. See M.P.E.P. § 803. In the present case, the Examiner has not shown that it would be a serious burden to search and examine all of the groups together. Although, applicant agrees that two distinct inventions are claimed in the present application, applicant respectfully submits that the Examiner would not be seriously burdened to consider all of the claims in a single application. Applicant therefore requests that the restriction requirement be reconsidered.

However, in order to be responsive to the restriction requirement, applicant has elected, with traverse, the claims of Group II to be examined in the present application. The Examiner is respectfully requested to reconsider the restriction requirement and act on all of the claims in the present application. In the event that the Examiner does not withdraw the restriction requirement, Applicant reserves the right to file a petition and/or to file a divisional application directed to the claims of Group I at a later date.

Conclusion

The foregoing is submitted as a full and complete response to the Restriction Requirement dated December 17, 2004. No fee is believed due. However, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 11-0980. If there are any other issues that can be resolved by telephone conference, or that there are any formalities that can be corrected by an examiner's amendment, the Examiner is invited to contact the undersigned at (404) 572-3542.

Respectfully submitted,



Michael S. Pavento
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